

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RUZDI KRKUTI,	:	CIVIL ACTION NO. 1:08-CV-0575
	:	
Petitioner	:	(Judge Conner)
	:	
v.	:	
	:	
MICHAEL B. MUKASEY, et al.,	:	
	:	
Respondents	:	

ORDER

AND NOW, this 31st day of March, 2008, upon consideration of the emergency petition (Doc. 2) for writ of habeas corpus filed this morning, and it appearing that petitioner seeks to challenge the deportation order¹ against him (see Doc. 1 at 7 & Ex. B), and it further appearing that the REAL ID Act, Pub. L. No. 109-13, 119 Stat 231, stipulates that the exclusive remedy for challenging an order of removal is a petition for review filed with “the court of appeals for the judicial circuit in which the immigration judge completed the proceedings,” 8 U.S.C. § 1252(b)(2), see also id. § 1252(a)(5); Jordon v. Attorney Gen., 424 F.3d 320, 326 (3d Cir. 2005), and that “the [habeas corpus] process is longer available to any alien, criminal or otherwise, seeking to challenge his or her removal,” Kolkevich v. Attorney Gen., 501 F.3d 323, 329 (3d Cir. 2007), and that the court lacks subject matter jurisdiction to entertain the petition for review or to transfer it to the

¹It appears that two alien numbers are associated with his immigration proceedings. Alien number A 26 924 511 appears on his order of deportation and filings associated with the pending matter. (Doc. 1 & Ex. B.) Alien number A 72 577 522 appears on his request for political asylum. (Id. Ex. C at 1.) The immigration proceedings at issue were completed in El Paso, Texas.

appropriate court of appeals, see Monteiro v. Attorney Gen., No. 06-4830, 2008 WL 189585, at *1 (3d Cir. Jan. 23, 2008) (holding that district courts lack jurisdiction to transfer petitions for review filed after enactment of the REAL ID Act), it is hereby ORDERED that:

1. The petition for writ of habeas corpus (Doc. 2) is CONSTRUED as a petition for review of the deportation order of the immigration judge.
2. The petition for review (Doc. 2) is DISMISSED for lack of subject matter jurisdiction.
3. The Clerk of Court is directed to CLOSE this case.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge